



U.S. DEPARTMENT OF JUSTICE ★ DRUG ENFORCEMENT ADMINISTRATION

DIVERSION CONTROL DIVISION

HOME
REGISTRATION
REPORTING
RESOURCES
ABOUT US



RESOURCES > Title 21 Code of Federal Regulations > Part 1306 > 1306.04

Title 21 Code of Federal Regulations

Get Email Updates: 

PART 1306 — PRESCRIPTIONS

GENERAL INFORMATION

§1306.04 Purpose of issue of prescription.

(a) A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act (**21 U.S.C. 829**) and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.

(b) A prescription may not be issued in order for an individual practitioner to obtain controlled substances for supplying the individual practitioner for the purpose of general dispensing to patients.

(c) A prescription may not be issued for "detoxification treatment" or "maintenance treatment," unless the prescription is for a Schedule III, IV, or V narcotic drug approved by the Food and Drug Administration specifically for use in maintenance or detoxification treatment and the practitioner is in compliance with requirements in **§1301.28** of this chapter.

(d) A prescription may be issued by a qualifying practitioner, as defined in section 303(g)(2)(G)(iii) of the Act (**21 U.S.C. 823**)(g)(2)(G)(iii), in accordance with **§1306.05** for a Schedule III, IV, or V controlled substance for the purpose of maintenance or detoxification treatment for the purposes of administration in accordance with section 309A of the Act (**21 U.S.C. 829a**) and **§1306.07**(f). Such prescription issued by a qualifying practitioner shall not be used to supply any practitioner with a stock of controlled substances for the purpose of general dispensing to patients.

[36 FR 7799, Apr. 24, 1971. Redesignated at 38 FR 26609, Sept. 24, 1973, and amended at 39 FR 37986, Oct. 25, 1974; 70 FR 36343, June 23, 2005; 85 FR 69167, Nov. 2, 2020]

*NOTICE: This is an unofficial version. An official version of this publication may be obtained directly from the **Government Publishing Office (GPO)**.*

Cases Against Doctors
 Chemical Control Program
 CMEA (Combat Meth Epidemic Act)
 Controlled Substance Schedules
 COVID-19 Information
 DATA Waived Physicians
 DEA TOX Toxicology Testing Program
 Drug Disposal Information
 Drug and Chemical Information
 E-commerce Initiatives
 Federal Agencies & Related Links
 Federal Register Notices
 National Prescription Drug Take Back Day
 NFLIS
 Publications & Manuals
 Questions & Answers
 Significant Guidance Documents
 Synthetic Drugs
 Title 21 Code of Federal Regulations
 Title 21 USC Codified CSA



HOME
CONTACT US
A-Z SUBJECT INDEX
PRIVACY NOTICE
WEBSITE ASSISTANCE

<p><u>REGISTRATION</u></p> <p>Applications Tools Resources CMEA Required Training & Self-Certification Quota Applications Notice of Registration</p> <p><u>ABOUT US</u></p> <p>Program Description Customer Service Plan DEA Forms & Applications</p>	<p><u>REPORTING</u></p> <p>ARCOS BCM Online Chemical Import/Export Declarations CSOS (Controlled Substances Ordering System) Theft/Loss Reporting Import/Export Medical Missions Registrant Record of Controlled Substances Destroyed Quotas Reports Required by 21 CFR Submit a Tip to DEA Year-End Reports</p>	<p><u>RESOURCES</u></p> <p>Cases Against Doctors Chemical Control Program CMEA (Combat Meth Epidemic Act) Controlled Substance Schedules COVID-19 Information DATA Waived Physicians DEA TOX Toxicology Testing Program Drug Disposal Information Drug and Chemical Information E-commerce Initiatives Federal Agencies & Related Links Federal Register Notices</p>
---	---	---

[Mailing Addresses](#)
[Meetings & Events](#)
[What's New](#)

**DIVERSION CONTROL
DIVISION**

U.S. DEPARTMENT OF JUSTICE • DRUG ENFORCEMENT ADMINISTRATION
Diversion Control Division • 8701 Morrisette Drive • Springfield, VA 22152 • 1-800-882-9539

[DEA.GOV](#) | [JUSTICE.GOV](#) | [USA.GOV](#) | [REGULATIONS.GOV](#)

[DOJ Legal Policies and Disclaimers](#) | [DOJ Privacy Policy](#) | [FOIA](#) | [Section 508 Accessibility](#)